

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ROY LEE ADAMS, #72900

PETITIONER

VERSUS

CIVIL ACTION NO. 3:08-cv-175-TSL-JCS

RON KING AND JIM HOOD

RESPONDENTS

ORDER OF TRANSFER PURSUANT TO 28 U.S.C. § 1681

This matter comes before this court, *sua sponte*, for consideration of the transfer of this cause. The Petitioner, an inmate currently incarcerated in the South Mississippi Correctional Institution, Leakesville, Mississippi, filed this request for habeas corpus relief pursuant to 28 U.S.C. § 2254. Petitioner states that on May 5, 1992, he was convicted for the sale of cocaine in the Circuit Court of Hinds County, Mississippi and sentenced to thirty years as a habitual offender in the custody of the Mississippi Department of Corrections.

The Petitioner has previously filed for habeas relief in this court challenging the same conviction, in civil action number 3:96-cv-797-WHB. On January 15, 1998, this court entered a final judgment which dismissed the action, with prejudice. The United States Court of Appeals for the Fifth Circuit denied petitioner's request for a certificate of appealability on December 9, 1998, appeal number 98-60062.

A Petitioner who is filing a second or successive motion for habeas relief must first apply to the appropriate court of appeals for an order authorizing the district court to consider the successive motion. 28 U.S.C. § 2244(b)(3)(A). The Petitioner has failed to submit any documentation demonstrating that he has obtained the required authorization from the United States Court of Appeals for the Fifth Circuit. Therefore, this court has determined that in the interest of justice, this cause should be transferred to the United States Court of Appeals for the

Fifth Circuit for a determination whether this successive or second petition should be allowed.

See In Re Epps, 127 F.3d 364 (5th Cir. 1997). Accordingly, it is hereby,

ORDERED that pursuant to 28 U.S.C. § 1631, this petition for habeas corpus relief is transferred to the United States Court of Appeals for the Fifth Circuit.

IT IS FURTHER ORDERED that the Clerk of this Court is directed to close this case pending the decision of the United States Court of Appeals for the Fifth Circuit.

SO ORDERED, this the 28th day of April, 2008.

/S/ TOM S. LEE

UNITED STATES DISTRICT JUDGE